

REMARKS

Applicant is in receipt of the Office Action mailed March 15, 2006.

Claim Status

Claims 93-105, 113-143, 148-159, 161-171, and 179-202 were pending in the application prior to entry of the present amendment.

Claims 93-105, 113-143, 148-159, 161-171, and 192-195 are allowed.

Claims 196-202 are herein canceled.

Claims 94, 115, 116, 118, 179, and 183 have been amended.

Claims 93-105, 113-143, 148-159, 161-171, and 179-195 are now pending.

Objections

Claims 196-202 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 185-191. Claims 196-202 are herein canceled.

Rejections Under Section 112

Claims 179-184 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner states in the current Office Action that the “term “in a timely fashion” in claim 179 is a relative term which renders the claim indefinite”.

Claim 179 has been amended to remove the term “in a timely fashion” to overcome the 112 rejection of claims 179-184. Support for the amendment to claim 179 is found in the specification at least at page 13, lines 1-6:

“Embodiments of the invention serve to make the Java.TM. byte code (in a class file) "time aware". To ensure timely delivery of byte code, the appropriate deadlines are carried along with the content as time stamps to the clients. These time stamps are used in a header to facilitate such a delivery mechanism. The header is attached to the byte code to allow timely delivery of the byte code stream.”

or at page 30, line 20, through page 31, line 2:

“In one embodiment of the invention, each class is packaged as a separate unit. Thus, a header is appended to each class to enable timely delivery. Timely delivery is facilitated by providing a time frame within which the class is to be loaded. A "start loading" time stamp is provided for each class to indicate the time after which that class can be loaded. A "load by" time stamp is provided for each class to indicate the time by which each class needs to be loaded. The "load by" time stamp provides the guaranteed time after which the class can be expected to be available at the application.”

Applicants respectfully assert that the pending claims are in condition to be allowed.

CONCLUSION

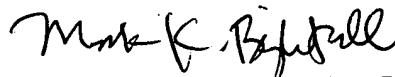
Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5181-76201/JCH.

Also enclosed herewith are the following items:

☒ Return Receipt Postcard

Respectfully submitted,



Mark K. Brightwell
Reg. No. 47,446
AGENT FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert & Goetzel PC
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8800
Date: June 15, 2006 MKB/JWC